The Planning Inspectorate

Appeal Decision

Site visit made on 6 December 2018

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2019

Appeal Ref: APP/Y3805/D/18/3211020
3 Nicolson Drive, Shoreham-by-Sea, BN43 5UP

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
The appeal is made by Mrs Grisbrook against the decision of Adur District Council.
The application Ref AWDM/0432/18, dated 20 March 2018, was refused by notice dated 4 July 2018.
The development proposed is a single storey rear extension to include demolishing the existing garage in the garden and use the space for the extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - the effect of the proposal on the living conditions of the occupants of 5 Nicolson Drive with regard to overbearing impact and loss of light; and

   - whether the proposal would provide acceptable living conditions for the occupants of the appeal property with regard to the provision of private amenity space.

Reasons

3. The appeal property is a semi-detached dwelling in a predominantly residential locality on the outskirts of Shoreham-by-Sea. To the south there is a vehicular access to a single garage in the rear garden which is attached to the single garage of the adjoining dwelling. The proposal is to demolish the garage and to construct a single storey rear extension to the property that would project outwards by approximately 9.65 metres from the rear wall of the main house and with its flank elevation lying on the boundary with 5 Nicolson Drive.

4. The Adur Local Plan 2017 Policy 15 requires that, amongst other things, development should not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space. The Council's Supplementary Planning Document: Development Management Standard

No.2 Extensions and Alterations to Dwellings (DMS2) provides advice with regard to the design of extensions and the size of gardens.

5. Currently the areas immediately outside of the ground floor rear windows and doors of nos. 3 and 5 are garden space. The development would infill this area within the curtilage of the appeal property and be significantly higher than the existing boundary fence at this point. Taken together with the substantial rearward projection and close proximity relative to the adjoining property, it would appear oppressive and unduly intrusive when viewed from the neighbour's facing window and patio doors in the rear wall of the main house and from the private garden area immediately outside. Similarly due to the height and rearward extent of the proposal a significant loss of light would also occur to the rear window of the attached neighbouring dwelling and rear amenity space. I therefore consider that it would result in harm to the living conditions of 5 Nicolson Drive.

6. The rear garden of the appeal property appears to be smaller than those generally found within the locality. As a result of the development the garden area would be considerably reduced. In broad terms it would measure approximately 8 metres in length, about 4m at its widest point towards the rear boundary tapering to 3 metres outside the patio doors. DMS2 states that a rear garden depth of 11 metres should normally be retained and the resultant depth would fall short of this. Moreover the appendix to DMS2 indicates that the garden area for small semi-detached dwellings such as the appeal property should be 85 square metres; the proposed garden would be considerably less than this figure.

7. I acknowledge the appellant's arguments concerning the way they would like the area to be laid out, however I consider that the small scale and limited usability of the garden would be inadequate for the dwelling that it serves and in light of the advice contained in DMS2. As such the scheme would constitute an unacceptable loss of usable garden space for the occupiers of the appeal property to the detriment of their living conditions.

8. I have considered all other matters that have been advanced in support of the development including the fact that the property could be extended under permitted development rights. However, in relative terms a scheme developed under permitted development would be significantly smaller than that proposed under this appeal and I consequently afford this fall-back situation limited weight.

9. The proposal would have an adverse effect on the living conditions of the adjoining house and result in an acceptable loss of rear garden area to the host property. It would fail to comply with the requirements of policy 15 of the Adur Local Plan 2017 and explicit guidance within DMS2 which seeks to ensure that extensions and alterations should not adversely impact on neighbouring amenity and that appropriate garden areas are retained.

Conclusion

10. For the reasons given above the appeal should be dismissed.

C Hall

INSPECTOR